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DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION USING AN APPLICATION DATA SHEET (37 CFR 1.76)

Title of Invention CELL TRANSPORT COMPOSITIONS AND USES THEREOF

As the below named inventor(s), I/we declare that:

This declaration is directed to:

- ☐ The attached application, or
☒ Application No. 10/632,878, filed on August 1, 2003,
☐ as amended on _____ (if applicable);

I/we believe that I/we am/are the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought;

I/ we have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment specifically referred to above;

I/we acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me/us to be material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT International filing date of the continuation-in-part application.

All statements made herein of my/own knowledge are true, all statements made herein on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and may jeopardize the validity of the application or any patent issuing thereon.

FULL NAME OF INVENTOR(S)

Inventor one: Cohava Gelber

Signature: Cohava Gelber

Citizen of: USA

Inventor two: Kathleen Rousseau

Signature: Kathleen Rousseau

Citizen of: USA

Inventor three: _____

Signature: _____

Citizen of: _____

Inventor four: _____

Signature: _____

Citizen of: _____

☐ Additional inventors are being named on _____ additional form(s) attached hereto.

Burden Hour Statement: This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is used by the public to file (and the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 1 minute to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: Cohava Gelber and Kathleen Rousseau
Application No./Patent No.: 10/632,878 Filed/Issue Date: August 1, 2003
Entitled: Cell Transport Compositions and Uses Thereof
MannKind Corporation, a corporation of the State of Delaware
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest.
The extent (by, percentage) of its ownership interest is _____ %

in the patent application/patent identified above by virtue of either:

A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

OR

B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

2. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

3. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

☐ Copies of assignments or other documents in the chain of title are attached.
[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

August 22, 2003
Date

PER B. FOG
Typed or printed name
Per B. Fog
Signature
SENIOR VICE PRESIDENT
Title

ASSIGNMENT

We, Cohava Gelber of 11 Clubway, Hartsdale, New York 10530, and Kathleen Rousseau of 9 Van Wyck Street, Ossining, New York 10562, in consideration of ten dollars and other valuable consideration paid to us by MannKind Corporation, a corporation of the State of Delaware, having its principal place of business at 1 Casper Street, Danbury, Connecticut 06810 (hereinafter "said Assignee"), the receipt of which is hereby acknowledged, do hereby sell, assign and transfer unto said Assignee, its successors and assigns, the entire interest for the United States of America, and its territories and all foreign countries and jurisdictions, including all rights of priority under the International Convention for the Protection of Industrial Property, in a certain invention or improvement in "*Cell Transport Compositions and Uses Thereof*" described in U.S. Serial No. 10/632,878 filed in the United States Patent and Trademark Office on August 1, 2003 by Cohava Gelber and Kathleen Rousseau, and in the provisional applications to which priority is claimed, being U.S. Serial No. 60/400,159 filed on August 1, 2002; U.S. Serial No. 60/406,525 filed August 28, 2002; U.S. Serial No. 60/427,388 filed November 18, 2002; and U.S. Serial No. 60/489,191 filed July 22, 2003, and in all Letters Patent of the United States and its territories and all foreign countries and jurisdictions which may or shall be granted on said invention, or any parts thereof, or on said application, or any provisional, divisional, continuation, continuation-in-part, reissue, or other applications based in whole or in part thereon. And we agree, for ourselves and our executors and administrators, with said Assignee and its successors and assigns, but at its or their expense or charges, hereafter to execute all applications, amended specifications, deeds or other instruments, and to do all acts necessary or proper to secure the grant of Letters Patent in the United States and its territories and in all other foreign countries and jurisdictions to said Assignee, with specifications and claims in such form as shall be approved by the counsel of said Assignee, and to vest and confirm in said Assignee, its successors and assigns, the legal title to all such patents.

Title: "Cell Transport Compositions and Uses Thereof"
By: Cohava Gelber and Kathleen Rousseau
Filed: August 1, 2003
ASSIGNMENT

And we do hereby authorize and request the Commissioner of Patents and Trademarks of the United States to issue such Letters Patent as shall be granted upon said application or applications based thereon to said Assignee, its successors and assigns.

WITNESS my hand and seal this 21 day of August, 2003.

Cohava Gelber

Cohava Gelber

State of Connecticut
County of Fairfield

Then personally appeared the above named Cohava Gelber and acknowledged the foregoing instrument to be her free act and deed, before me this 21 day of August, 2003.

Laura Meyers

Notary Public

Laura Meyers
NOTARY PUBLIC
State of Connecticut

My Commission expires: My Commission Expires 4/30/08

Title: "Cell Transport Compositions and Uses Thereof"
By: Cohava Gelber and Kathleen Rousseau
Filed: August 1, 2003
ASSIGNMENT

WITNESS my hand and seal this 21 day of August, 2003.

Kathleen Rousseau
Kathleen Rousseau

State of Connecticut
County of Fairfield

Then personally appeared the above named Kathleen Rousseau and acknowledged the foregoing instrument to be her free act and deed, before me this 21 day of August, 2003.

Laura Meyers
Notary Public

Laura Meyers
NOTARY PUBLIC
State of Connecticut

My Commission expires: My Commission Expires 4/30/08

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